

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 MAR 14 AM 9:23

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Carlos Humberto FIGUEROA-Villela, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Magistrate Case No. SA 08 MJ 0653

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

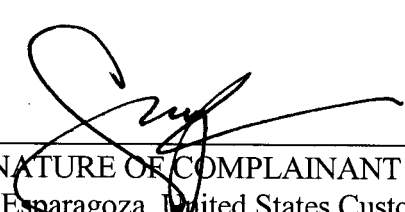
Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **March 3, 2008**, within the Southern District of California, defendant **Carlos Humberto FIGUEROA-Villela**, an alien, who previously had been excluded, deported and removed from the United States to **Guatemala**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **4th** DAY OF  
**March, 2008**.

  
UNITED STATES MAGISTRATE JUDGE  
**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**

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**PROBABLE CAUSE STATEMENT**

On March 3, 2008 at approximately 1:40 PM, **Carlos Humberto FIGUEROA-Villela (Defendant)** made application for admission to the United States from Mexico at the San Ysidro Port of Entry via the vehicle primary lanes. Defendant was the driver of a Honda Civic with two visible passengers. Defendant presented to a Customs and Border Protection (CBP) Officer, a Resident Alien card (form I-551) bearing his true name and photo to which he is no longer entitled. Defendant was subject of a computer system lookout. The CBP Officer received a computer generated referral and subsequently escorted the vehicle and it's occupants to secondary for further inspection.

In secondary, Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS), which verified Defendant's identity and revealed that he had been previously deported from the United States. Further queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant was ordered deported from the United States on or about May 30, 1997 and physically removed from the United States to Guatemala through the Los Angeles airport on or about June 30, 1997. Immigration service records indicate Defendant has not applied for nor received permission from the Attorney General or the Secretary of the Department of Homeland Security to legally re-enter the United States.

Defendant was advised of his Miranda Rights, elected to waive his right to counsel and gave the following statement: Defendant stated he is a citizen of Guatemala and used to be a Permanent Resident of the United States. Defendant admitted he was deported from the United States in 1997. Defendant stated he has not applied for permission from the Attorney General to re-enter the United States. Defendant stated he presented his I-551 Resident Alien card to return to his cousin's house in Los Angeles, California.